

CITY COUNCIL MINUTES
December 30, 2008
SPECIAL SESSION

The Special Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Tuesday, December 30, 2008 at 6:00 p.m. with Mayor J. M. Holmes presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Keith Nesbitt, Kevin Hanley, J. M. Holmes, Bill Kirby, Bridget Powers

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, Engineering Division Manager Bernie Schroeder, Administrative Services Director Andy Heath, Police Chief Valerie Harris

By **MOTION** adjourn to a closed session pursuant to Government Code Section 54957: **MOTION: Nesbitt/Powers/Approved by Voice**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

REPORT OUT OF CLOSED SESSION

Mayor Holmes announced that the City Council voted to extend the contract of the City Manager for an additional two years. He said the contract extension would be presented to the Council for formal action at the next meeting.

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor Holmes said that he wanted to reinforce with his colleges that e-mail communication must not conflict with the Brown Act. He said when e-mail is received from the City Manager or City staff, members should not "reply to all."

Mayor Holmes asked that Council Members report to the City Clerk the dates, times and places their committee assignment meets. He said that he wants a

complete list of all meeting dates complied, so that he and the City Manager will be aware of all the meetings on a day-to-day basis.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

PUBLIC COMMENT

None

COUNCIL BUSINESS

1. Assignment of Auburn Airport Industrial Park Ground Lease from DGA-Auburn to Miltenyi Biotech

Council Member Bill Kirby stated that he used to own a hangar within 500' of the site and is still on title. He said the City Attorney advised that since he does not have a fiduciary responsibility or obligation for the hangar that he does not have to recuse himself for the vote.

Administrative Services Director Heath stated that the item is to approve the assignment of a lease between the City of Auburn and DGA-Auburn, dba Coherent, to Miltenyi Biotech. He advised that the Council previously approved lease assignments, previously held by Coherent, to DGA-Auburn, subsequent to the sale of buildings by Coherent to DGA-Auburn. He said Council also approved the amended and restated lease for two parcels, subsequent to the completion of the property improvements required by the City. DGA-Auburn complied with the deferred maintenance agreement. He advised that DGA-Auburn now wants to assign the lease for parcel #3 to existing airport tenant, Miltenyi Biotech, as part of the sale with them.

By **RESOLUTION 08-154** authorize the City Manager or his designee to:

- A. Approve the assignment and assumption of the Amended and Restated Land Lease – Parcel #3 between the City of Auburn, DGA-Auburn LLC, and Miltenyi Biotech, Inc;
- B. Approve for recording by the Placer County Recorder's Office Memoranda of Lease for DGA-Auburn, LCC Parcels #3 and #4; and

- C. Approve for recording by the Placer County Recorder's Office the Declaration of Covenants, Conditions and Restrictions (CCR) for all DGA-Auburn leased parcels (Parcels #1, #2, #3, #4).

MOTION: Nesbitt/Powers/Approved 5:0

ADJOURNMENT

Mayor Holmes, without objection, adjourned the meeting at 6:20 p.m.

Keith Nesbitt, Mayor

Joseph G. R. Labrie, City Clerk